

January 14, 2005
Case No.: AUS920010149US1 (9000/27)
Serial No 09/844,395
Filed: April 27, 2001
Page 8 of 10

-- REMARKS --

The Examiner has not acknowledged Applicants' previous specification amendments, and Applicants request the Examiner acknowledge entry of the amendment.

Claims 1-30 remain under consideration. Applicants thank the Examiner for his courtesies in the telephonic interview of January 13, 2005 in which the Examiner agreed that the references, alone or in combination, fail to teach or suggest each and every claim limitation. Pursuant to that interview, Applicants are entering their arguments into the record.

A. The Examiner rejected claims 1-30 as unpatentable under 35 U.S.C. §103(a) by Bahlmann in view of Abrams

The §103(a) rejection of claims 1-30 is traversed. In order to maintain this §103(a) rejection, each and every element of the claimed invention must be taught or suggested in as great detail as claimed by the reference. Because the reference does not teach or suggest each and every element, this rejection must fall.

At a minimum, Bahlmann in view of Abrams does not teach or suggest "executing, at the target device, a boot delay response so that the target device does not time out," as claimed in independent claims 1, 13, 21, and 29.

The Examiner's reliance on Abrams for such a teaching is misplaced. Abrams simply does not teach or suggest "executing, at the target device, a boot delay response so that the target device does not time out." At most, Abrams teaches that fixed value timers do not take operational software differences or transmission network differences into account. See, column 2, lines 1-3. Abrams also teaches measuring the delay time, but nowhere does Abrams teach or suggest the claimed limitation in as great detail as claimed.

Additionally, the Examiner's reliance on Bahlmann for the teaching of receiving, at the target device, the boot file after the boot delay response is received" is misplaced. The Examiner cites column 11, lines 25-28 in support but that section lacks support for the Examiner's assertion. Nowhere does Bahlmann teach or suggest "receiving, at the target device, the boot file after the boot delay response is received."

January 14, 2005
Case No.: AUS920010149US1 (9000/27)
Serial No.: 09/844,395
Filed: April 27, 2001
Page 9 of 10

Furthermore, claim 29 requires "receiving one or more responses indicating which components are available to process a boot image negotiation layer." The Examiner does not address where in the references such element is taught. Neither Bahlmann nor Abrams so much as discuss boot image negotiation layers, much less the claimed element.

Claims 8, 16, and 24 each require "delaying at least one request for the boot file from the target device as the boot delay response." Contrary to the Examiner's assertion, Abrams makes no such teaching. Abrams does not teach on the topic of boot delay responses.

Therefore, Applicants request withdrawal of the rejections to claims 1-30 and allowance of independent claims 1, 13, 21, and 29 and claims 2-12, 14-20, 22-28 and 30 depending directly or indirectly from claims 1, 13, 21 or 29.

January 14, 2005
Case No.: AUS920010149US1 (9000/27)
Serial No.: 09/844,395
Filed: April 27, 2001
Page 10 of 10

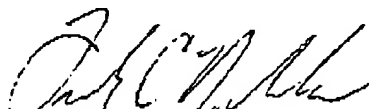
CONCLUSION

The Applicants respectfully submit that claims 1-30 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: January 14, 2005

Respectfully submitted,
STEVEN M. FRENCH, ET AL

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113



Frank C. Nicholas
Registration No. 33,983
Attorney for Applicants